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PART II—Section 3 Sub-section (ii)

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नई दिल्ली, शुक्रवार, नवम्बर 29, 1996/अग्रहायण 8, 1918

No. 697]

NEW DELHI, FRIDAY, NOVEMBER 29, 1996/AGRAHAYANA 8, 1918

गृह मंत्रालय
अधिसूचना

नई दिल्ली, 29 नवम्बर, 1996

का.आ. 835(अ).—केंद्रीय सरकार, विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं० 338 (अ), तारीख 14 मई, 1996 द्वारा एल०टी०टी०ई० (जिसे इसमें इसके पश्चात् लिट्टे कहा गया है) को वस्तुतः श्री लंका में स्थित और भारत भूमि पर सहानुभूति रखने वाले, समर्थकों और अभिकर्ताओं वाले संगम को निम्नलिखित को ध्यान में रखते हुए विधिविरुद्ध घोषित किया था:—

- (i) लिट्टे का सभी तमिलों के लिए स्वदेश प्राप्ति का उद्देश्य भारत की संप्रभुता और राज्य क्षेत्रीय अखण्डता को विच्छिन्न करता है और इस प्रकार विधिविरुद्ध क्रियाकलाप की परिधि के अन्तर्गत आता है;
- (ii) लिट्टे द्वारा सभी तमिलों के लिए पृथक् स्वदेश (तमिल ईलम) की लगातार जारी उग्रवादी कार्यवाही से भारत की संप्रभुता और क्षेत्रीय अखण्डता को निरन्तर खतरा बना हुआ है;
- (iii) ऐसे कई आपराधिक मामले जैसे राजीव गांधी हत्या का मामला, पद्मनाभ की हत्या का मामला जिनमें टी० एन० आर० टी० और तमिल पासाराई मामले भी हैं, जिनमें लिट्टे और तमिल नेशनल रिट्नाइबल टूप्स जैसे लिट्टे समर्थक गुप भी शामिल हैं, अभी भी न्यायालय में विचाराधीन हैं और तमिलनाडु में लिट्टे समर्थक गुप्तों के मध्य अभी भी तमिल ईलम की अवधारणा के प्रति सहानुभूति है। यह ताकत अभी

भी अपने उद्देश्य की पूर्ति में अग्रसर है इसके द्वारा उक्त अत्याधिक संवेदनशील वातावरण तैयार हो रहा है जिसमें लिट्टे को विधि पूर्वक संगम के रूप में यदि भारत में स्वच्छन्द कार्य करने की अनुमति दी जाती है तो उसका भारत की प्रभुता और राज्य क्षेत्रीय अखण्डता के लिए अत्याधिक अहितकर होना संभाव्य है;

- (iv) लिट्टे श्रीलंका में एक शक्तिशाली आतंकवादी बल बना हुआ है जिससे जातीय संघर्ष की स्थिति बनी रहती है और तमिलनाडु में श्रीलंका के तमिलों और भारतीय तमिलों के मध्य भाषाई, सांस्कृतिक, जातीय और ऐतिहासिक निकटता के कारण तमिलनाडु में तमिल ईलम की मांग को जोर-शोर से उठाया जा रहा है, तमिलनाडु में पथ्युक्तावादी तमिल उग्र समर्थक ताकतें और लिट्टे समर्थक ताकतें गुप तमिलनाडु में लिट्टे के समर्थन आधार पर विस्तार करने के लिए अलगाववादी भावनाओं को भड़काने का प्रयास कर रहे हैं जिससे भारत की राज्य क्षेत्रीय अखण्डता पर गंभीर विघटनकारी प्रभाव पड़ने की संभावना है;

और केंद्रीय सरकार ने उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं० 431(अ) तारीख 12 जून, 1996 द्वारा विधिविरुद्ध क्रियाकलाप (निवारण) अधिकरण (जिसे इसमें इसके पश्चात् उक्त अधिकरण कहा गया है) गठित किया था जिसमें दिल्ली उच्च न्यायालय के न्यायाधीश न्यायमूर्ति श्री एस० के० महाजन थे;

और केंद्रीय सरकार ने, पूर्वोक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना 13 जून,

1996 को इस न्यायनिर्णयन के प्रयोजन के लिए निर्देशित किया था कि उक्त संगम को विधिविरुद्ध घोषित किए जाने के लिए पर्याप्त कारण थे या नहीं थे;

और उक्त अधिकरण में उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 13 नवंबर, 1996 को, अधिसूचना सं० 338 (अ), तारीख 14 मई, 1996 में की गई घोषणा की पुष्टि करते हुए एक आदेश (जिसे इसमें इसके पश्चात् उक्त आदेश कहा गया है) किया।

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (4) के अनुसरण में, उक्त अधिकरण का उक्त आदेश प्रकाशित करती है।

[फा. सं. I-11034/9/96आई० एस० डी०-I(ए)]

एस० प्रकाश, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 29th November, 1996

S.O. 835(E):— Whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), declared vide notification of the Government of India in the Ministry of Home Affairs No. 338(E), dated the 14th May, 1996, the Liberation Tigers of Tamil Eelam (hereinafter referred to as LTTE) as association actually based in Sri Lanka and having sympathisers, supporters and agents on Indian soil as unlawful in view of the following:—

- (i) LTTE's objective for a homeland for all Tamils threatens the sovereignty and territorial integrity of India and thus falls within the ambit of an unlawful activity;
- (ii) The continuing militant pursuit by the LTTE of objective of a separate homeland (Tamil Eelam) for all Tamils, threatens the sovereignty and territorial integrity of India;
- (iii) Most of the criminal cases involving LTTE and pro-LTTE groups like TNRT (Tamil National Retrieval Troops) and Tamil Pasara, such as the Rajiv Gandhi assassination case, the Padmanabha murder case and the cases involving TNRT and Tamilar Pasara etc. are still under trial and the sympathy for the 'Tamil Eelam' concept still remains among the pro-LTTE groups in Tamil Nadu and the forces are still at work to further its cause, thereby contributing to the said highly vulnerable milieu in which LTTE's free functioning in India as a lawful association, if allowed, is likely to be highly detrimental to the sovereignty and territorial integrity of India;
- (iv) LTTE continues to be a strong terrorist force in Sri Lanka, which continues to remain in a state

of ethnic strife and the demand of Tamil Eelam finds a strong echo in Tamil Nadu due to linguistic, cultural, ethnic and historical affinity between the Sri Lankan Tamils and the Indian Tamils in Tamil Nadu, the separatistic Tamil chauvinist forces in Tamil Nadu and the pro-LTTE groups are trying to stimulate the secessionist sentiment to enhance the support base of the LTTE in Tamil Nadu, which are likely to have a strong disintegrating influence over the territorial integrity of India;

And, whereas, the Central Government in exercise of the powers, conferred by sub-section (1) of section 5 of the said Act, vide notification number 431(E) dated the 12th June, 1996, Government of India in the Ministry of Home Affairs, constituted the Unlawful Activities (Prevention) Tribunal (hereinafter referred to as the said Tribunal), consisting of Shri Justice S. K. Mahajan, Judge of the Delhi High Court;

And, whereas, the Central Government in exercise of the powers, conferred by sub-section (1) of section 4 of the aforesaid Act, referred the said notification to the said Tribunal on the 13th day of June, 1996 for the purpose of adjudicating whether or not there was sufficient cause for declaring the said association as unlawful;

And, whereas, the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act made an Order (hereinafter referred to as the said Order) on the 13th day of November, 1996, confirming the declaration made in the notification number 338(E) dated the 14th May, 1996;

Now, therefore, in pursuance to sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said Order of the said Tribunal.

[F. No. I-11034/9/96-1SD-1(A)]

S. PRAKASH, Jt. Secy.

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL CONSTITUTED VIDE NOTIFICATION NO. S. O. 431(E) DATED THE 12TH JUNE, 1996
IN RE :

Liberation Tigers of Tamil Eelam (LTTE).

CORAM :

Hon'ble Mr. Justice S. K. Mahajan.

PRESENT :

Union of India through Mr. E. X. Joseph, Senior Advocate with Ms. Barkha Babbar, Advocate.

Mr. A. K. Paitandy, Deputy Secretary, Ministry of Home Affairs, New Delhi.

State of Tamil Nadu through Mr. N. Natrajan, Senior Advocate, with Mr. P. R. Kolan, Advocate.

JUDGMENT :

The Central Government in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (in short referred to as the Act) has declared the Liberation Tigers of Tamil Eelam (in short LTTE) to be unlawful association vide notification dated

14th May, 1996 as amended by the notifications dated 13th June, 1996 and 27th June, 1996. A reference was made to the Tribunal to adjudicate whether or not there was sufficient cause for declaring the said LTTE to be unlawful association.

Notification Nos. S. O. 338 (E) dated 14th May, 1996 S. O. 432 (E) dated 13th June, 1996 and S. O. 461 (E) dated 27th June, 1996 published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) declaring LTTE to be unlawful association was on the following terms:—

“1. Whereas the Liberation Tigers of Tamil Eelam (hereinafter referred to as LTTE), is an association actually based in Shri Lanka but having sympathisers, supporters and agents on Indian soil.

2. And whereas LTTE's objective for a homeland for all Tamils disrupts the sovereignty and territorial integrity of India and thus falls within the ambit of an unlawful activity.

3. And whereas the continuing militant pursuit by the LTTE of objective of a separate homeland (Tamil Eelam) for all Tamils, threatens the sovereignty and territorial integrity of India.

4. And whereas most of the criminal cases involving LTTE and pro-LTTE groups like TNRT (Tamil National Retrieval Troops) and Tamil Pasara, such as the Rajiv Gandhi assassination case, the Padmanabha murder case and the cases involving TNRT and Tamilar Pasaria etc. are still under trial and the sympathy for the 'Tamil Eelam' concept still remains among the pro-LTTE groups in Tamil Nadu and the forces are still at work to further its cause, thereby contributing to the said highly vulnerable milieu in which LTTE's free functioning in India as a lawful association, if allowed, is likely to be highly detrimental to the sovereignty and territorial integrity of India.

5. And whereas LTTE continues to be a strong terrorist force in Sri Lanka, which continues to remain in a state of ethnic strife and the demand of Tamil Eelam finds a strong echo in Tamil Nadu due to the linguistic, cultural, ethnic and historical affinity between the Sri Lankan Tamils and the Indian Tamils in Tamil Nadu, the separatist Tamil chauvinist forces in Tamil Nadu and the pro-LTTE groups are trying to stimulate the secessionist sentiment to enhance the support base of the LTTE in Tamil Nadu, which are likely to have a strong disintegrating influence over the territorial integrity of India.

6. And whereas the Central Government is of the opinion that for the reasons aforesaid, the LTTE is an unlawful association.

7. And whereas the Central Government has information that :—

(a) LTTE in Tamil Nadu has persisted with its violent and disruptive activities prejudicial to the integrity and sovereignty of India. The presence of LTTE in India helped escape of 43 cadres from the Special Camp at Vellore on 14/15.8.1995. On April 16, 1996 one Muthukumar belong to TNRT was arrested by State Police from a coastal village Menamelkudi (Pudukottai District). He has revealed that he

was responsible for arranging sailing for the LTTE escapees of Vellore Camp on 14/15.8.1995. His arrest confirm the presence of LTTE supporters in Tamil Nadu who are engaged in subversive activities.

(b) There was also bomb attack on the office of the Sri Lankan Deputy High Commissioner at Madras on 11.9.1995 by Tamil Nadu Liberation Army (TNLA), a pro-LTTE extremist group.

(c) LTTE continues to adopt a strong anti-India posture and continues to pose a grave threat to the security of the Indian VVIPs, including the Prime Minister of India, and its utterances are inciting the secessionist forces in Tamil Nadu. Lawrence Thilagar, an LTTE spokesman, based in Paris, has even alleged on 30.11.1995 that the Indian Government was 'covertly' supporting the Sri Lankan Army in its military offensive in Jaffna.

(d) Arms and ammunitions continue to be seized from LTTE and pro-LTTE groups, last such incident took place on 17.4.1996. Cases have been registered under the Arms Act, 1959 and the Explosive Substances Act, 1908.

(e) In an incident on April 22, 1996, some unidentified persons belonging to TNLA, threw country made bombs at the TV Relay Station at Uluthukuppai Maileduthurai (NQH District). Posters recovered from the site hailed the liberation of Tamil Nadu.

(f) In another incident on April 22, 1996, four unidentified persons threw country-made bombs into Perani Railway Master's room (VRP District) after forcibly removing the Station Master, causing damage to railway equipments. Handwritten posters found on the station premises expressed support for Tamil Eelam and advocated separate Tamil Nadu. The posters also urged the people to boycott general elections.

8. And whereas the Central Government is of the opinion that the aforesaid activities of the LTTE continue to pose threat to and are detrimental to the sovereignty and integrity of India as also public order.

9. And whereas the Central Government is further of the opinion that (i) because of its continued violent and disruptive activities prejudicial to the integrity and sovereignty of India and because (ii) it continues to adopt a strong anti-India posture and also continues to pose a grave threat to the security of Indian Nationals, it is necessary to declare the LTTE as an unlawful association with immediate effect.

10. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the Liberation Tigers of Tamil Eelam to be an unlawful association and directs, in exercise of the powers conferred by the proviso to sub-section (3) of the Section, that this notification shall, subject to any order that may be made under Section 4 of the said Act, have immediate effect and will remain in force for a period of 2 months from the date of its publication in the Official Gazette.

As per clause 10 of the said notification, the ban was initially for a period of two months, however, this period was

deleted by subsequent notification dated 13th June, 1996.

On receipt of the reference, notices were directed to be issued to LTTE to show cause as to why the said organisation be not declared as unlawful. The said notice was returnable on 30th August, 1996. There was no particular address of LTTE in India and the State of Tamil Nadu. However, the activities of the LTTE were being operated upon mainly in Tamil Nadu and were being carried out in Jaffna (Sri Lanka). The headquarters of the LTTE was reported to have been shifted from Jaffna to Kilinochchi in Sri Lanka. However, its location was not known. International Secretariat of the LTTE was stated to be in United Kingdom and they were also operating from Denmark. Notice was, therefore, directed to be issued not only at the addresses available in the United Kingdom and Denmark but it was also directed to be issued in India in the newspapers, Indian Express and the Hindu, Tamil Nadu and Delhi Editions and one daily newspaper in Tamil language in Tamil Nadu. Notices were also directed to be published in two leading newspapers of Sri Lanka and also to be published in the leading newspaper, "Times" of United Kingdom.

Pursuant to this direction, notices were duly published in the Tamil Nadu and Delhi Editions of the "Indian Express" and the "Hindu", as also in the daily "Thanthi" (Tamil) in Tamil Nadu. Notices were also published in the "Times" of the United Kingdom and "Thinkara" and "Sunday Observer" of Sri Lanka. Notices were also served upon the LTTE and London.

Pursuant to the notices being issued, no one appeared on behalf of the LTTE, though a request was received from one Mr. Lawrence Thilakar, LTTE Central Committee Member, requesting for more time to enable the LTTE to file their opposition to the notification. By order dated 30th August, 1996 it was observed that as no one was present on behalf of the LTTE, the communication received by post cannot be entertained. Subsequently, no one appeared on behalf of the LTTE, nor any opposition was filed and Tribunal, therefore, proceeded with the reference in the absence of the LTTE.

On 30th August, 1996, time was allowed to the Government of Tamil Nadu as well as to the Central Government to file there evidence by means of affidavits in support of the reference. While the Central Government filed the affidavit of Mr. A. K. Paitandy, Deputy Secretary, Ministry of Home Affairs, Government of India, the State of Tamil Nadu has filed the affidavit of Mr. Paramvir Singh, Inspector-General of Police, "Q" Intelligence, CID, Madras. The hearing was fixed at Kodaikanal on 24th & 25th October, 1996 which was subsequently preponed to 23rd & 24th October, 1996.

On 24th October, 1996, the State of Tamil Nadu produced its only witness, namely, Mr. Paramvir Singh, Inspector-General of Police, "Q" Intelligence, CID, Madras, who tendered in evidence his affidavit as Ex. PW-1/1 which included all the annexures marked A-1 to A-17, B to T2 and U1 & U2. The Central Government produced Mr. A. K. Paitandy as its only witness whose evidence was recorded by the Tribunal on 30th October, 1996 at Delhi. He reiterated

the averments made by him in the affidavit marked as Ex. PW-2/1 alongwith all its annexures.

I have heard Mr. E. X. Joseph, Senior Advocate, on behalf of the Central Government and Mr. N. Natrajan, Senior Advocate, counsel for the State of Tamil Nadu.

The LTTE was, for the first time, declared to be an unlawful association by a similar notification dated 14th May, 1992. On a reference having been made for adjudication to the Unlawful Activities (Prevention) Tribunal constituted by notification dated 10th June, 1992, the Tribunal sent its Report dated 4th November, 1992 declaring that the Central Government had shown sufficient cause for declaring the LTTE as unlawful association under the Act. It was further stated that the Declaration was necessitated in national interest. On the expiry of the period of two years, the Central Government again issued a similar notification dated 14th May, 1994 again declaring the LTTE as unlawful association and a reference was made to the Tribunal constituted vide order dated 1st June, 1994. The said Tribunal also sent its Report dated November 11, 1994 and answered the reference by holding that there was sufficient cause for declaring the LTTE to be an unlawful association within the meaning of the Act.

In the affidavit filed by the Central Government, background has been giving as to how LTTE was originally formed and how it was spreading the feelings for a separate Tamil country by creating cessation in India as well as in Sri Lanka. It will be relevant to reproduce hereunder some excerpts of the affidavit :—

"7. (i) The Liberation Tigers of Tamil Eelam was originally formed in 1974 as Liberation Tigers. It took its present name in 1976. The LTTE declared its ultimate objective as Total Liberation of its Home Land and the establishment of an Independent, sovereign socialist State of Tamil Eelam".

(ii) In the course of its growth, LTTE has been able to carve out a well-knit infrastructure and has methodically brought up its organisational structure which has been able to sustain years of armed struggle against the Sri Lankan Army. LTTE is broadly divided into political, military, medical and intelligence wings. Each wing has a set hierarchy and the roles of the functionaries are explicitly spelt out.

(iii) The overall in-charge of LTTE is Vellupillai Prabhakaran @ Kerikalan. Balraj @ Balu Annan @ Balu Mama @ BL is the upcoming leader and is the overall in-charge of the military wing in Mullaitivu, Vavuniya and Mannar in the Northern Sri Lanka. Pottuamman is the Chief of LTTE Intelligence Wing.

(iv) Since early 1989, the LTTE started using Tamil Nadu as launching pad for its operations in Sri Lanka. The situation became ominous in 1989-90 when the LTTE cadres started infiltrating into the state under the guise of refugees. Those injured in the fighting in Sri Lanka, also found the State to be a safe heaven for their treatment and welfare.

(v) Apart from infiltration in the garb of refugees, the LTTE cadres found it very convenient to have access to interior places in the State through various land routes emanat-

ing from as many as 50 odd landing places in the coastal areas of Thanjavur, Pudukottai and Ramanathapuram districts. Boats were being used for bringing the cadres/leaders to the landing points from where transportation to various places did not pose any problem at all as they had procured adequate number of vehicles through their local contacts and associates. These sea and land routes were converted by the LTTE into prolific smuggling channels and supply lines. Medicines, clothings, arms, ammunitions, explosives and provisions were being smuggled out to Jaffna and other LTTE bases in Sri Lanka. Gold was being smuggled into India for meeting the cash requirements and supplementing their revenues.

(vi) In order to sustain these smuggling and other clandestine operations, the LTTE had set up an effective net-work of Radio-W.T. communication between Sri Lanka and Tamil Nadu and also within the State. LTTE cadres started using sympathetic locals—particularly those with impressionable minds—for assisting the former in their various tasks. This created a close nexus between the LTTE cadres and gullible locals who were being closely injected with the poison of secession thourgh terror tactics.

(vii) The Constitution of the People's tactics. Liberation Tigers (PFLT), a copy of which is annexed as Annexure-I, the political front of LTTE includes inter alia the following objectives:—

(i) to fight for the right of self-determination of the Tamils and Muslims;

(ii) to protect and preserve the geographical identity and integrity of the traditional home lands of the Tamils and Muslims.

8. It is significant that these objectives speak of all Tamils irrespective of geographical distinction and an inference is irresistible that while the immediate struggle of LTTE is against the Government of Sri Lanka for the establishment of a Tamil Eelam in the North-East provinces of Sri Lanka, its larger objective, given the geopgraphical continuity and ethnic affinity, would include the Tamil areas of India also and thus pose a real and serious threat to the sovereignty and territorial integrity of India. There is no indication to show that PFLT have revoked their constitution or in any manner retracted from its avowed objectives of creating an independent and separate Tamil Eelam consisting of parts of India.

9. The activities of LTTE and pro-LTTE groups require constant vigil and monitoring. Sympathy for the Tamil Eelam concept still remains and the forces are still at work to further the cause of separate Tamil Nadu, i.e. secession from India, for which they are drawing inspiration and sustenance from LTTE. In order to control these secessionist forces, it is extremely important to continue to exercise strict control over the activities of the LTTE and to ensure that their militant activities do not re-emerge in Tamil Nadu, in any potent manner.

10. The LTTE continues to remain a strong terrorist movement and so long as Sri Lanka continues to remain in a state of ethnic strife, torn by the demand of Tamil Eelam, it finds a strong echo in Tamil Nadu. In this milieu, the separat-

ist Tamil chauvinist forces in Tamil Nadu and pro-LTTE groups are trying and will always try to stimulate the secessionist sentiments to enhance the support base of LTTE in Tamil Nadu which can all have a strong disintegrating influence over the territorial integrity of India.

11. A series of cases under the Unlawful Activities (Prevention) Act, 1967, have been registered against pro-LTTE elements/Tamil chauvinists in the years 1994 and 1995, apart from other provisions of law under the Indian Penal Code, Explosives Substances Act, etc. in 1994 and 1995 (Apart from the cases against LTTE cadres), which have helped control the militant activities in Tamil Nadu. The details are submitted in Annexure-A. These cases reflect the remnants of LTTE activities and pro-LTTE groups like Tamilar Passarai etc. which still continues to pose a danger to the State. Since the Unlawful Activities (Prevention) Act, 1967, is an important tool available to the law enforcement agencies for controlling such activities, it is very important that LTTE continues to remain an unlawful association for a further period with effect from 14-5-1996, failing which there is a danger of the LTTE forces again establishing a foot-hold in Tamil Nadu, which can have a strong destabilising effect on the territorial integrity of the country as a whole, apart from seriously disturbing the peace in Tamil Nadu due to the cultural, linguistic and historical links of the people of Tamil Nadu and the Sri Lankan Tamils, the forces of secession in Tamil Nadu and the LTTE are thickly mingled. It is extremely important to ban the LTTE as an unlawful association so that both the forces can be kept under control with a view to preserve the territorial integrity of the country.

12. The LTTE has created the Tamil National Retrievals Troops (TNRT) and Tamilar Passarai, secessionist organisations in Tamil Nadu, in furtherance of its objective and seeking secession of Tamil Nadu and questioning India's sovereignty and territorial integrity. There is evidence of objectionable activities of a number of other radical chauvinist organisations, such as Tamilar Desiya Iyakkam (TDI), Pattali Makkal Katchi (PMK), Tamil Desa Thannurimal Munnani, Dravidar Kazhagam (Ramakrishnan Group), People Democratic Youth Association, Merumalarchi Dravida Munnetra Kazhagam (MDMK). These organisations are staunch supporters of LTTE. In their speeches, various persons like P. Nedumaran of TDI, S. Ramadoss (PM) and V. Gopalawamy (MDMK) have openly come out in support of LTTE. The details of the activities of pro-LTTE organisations, annexed as Annexure-B, are evidence of the continuing activities of LTTE and pro-LTTE groups."

It has further been stated in the affidavit that in spite of the LTTE having been declared as unlawful association the continuing ethnic conflict in Sri Lanka and its ramifications in the State of Tamil Nadu, creates the highly vulnerable milieu in Tamil Nadu, detrimental to the security of the country. In view of the most of the criminal cases involving LTTE and pro-LTTE groups, including such important cases as the assassination case of Shri Rajiv Gandhi and Padmanabha muder case are still under trial, thus keeping

the issues quite live, and hence continues to be a strong ground for declaring the LTTE as an unlawful association for a further period.

Mr. Paitandy has also given details of the incidents which have come to the knowledge of the Central Government on the basis of which the Central Government was of the opinion that the LTTE was an unlawful association. Some of the information which has come to the knowledge of the Central Government as disclosed in the evidence of Mr. A. K. Paitandy are:—

"15. (a) LTTE in Tamil Nadu has persisted with its violent and disruptive activities prejudicial to the integrity and sovereignty of India. The presence of LTTE in India helped escape of 43 cadres from the special Camp at Vellore on 14/15-8-1995. On April 16, 1996, one Muthukumar belonging to TNRT was arrested by State Police from a coastal village Menamalkudi (Pudukottai District). He has revealed that he was responsible for arranging sailing for the LTTE escapees of Vellore Camp on 14/15-8-1995. His arrest confirms the presence of LTTE supporters in Tamil Nadu, who are engaged in subversive activities.

(b) There was also bomb attack on the office of the Sri Lankan Deputy High Commission at Madras on 11-9-1995 by Tamil Nadu Liberation Army (TNLA), a pro-LTTE extremist group.

(c) LTTE continues to adopt a strong anti-India posture and continues to pose a grave threat to the security of the Indian VVIPs, including the Prime Minister of India, and its utterances are inciting the secessionist forces in Tamil Nadu. Lawrence Thilakar, an LTTE spokesman, based in Paris, has even alleged on 30-11-1995 that the Indian Government was 'covertly' supporting the Sri Lankan Army in its military offensive in Jaffna.

(d) Arms and ammunitions continue to be seized from LTTE and pro-LTTE groups, last such incident took place on 17-4-1996. Cases have been registered under the Arms Act, 1959 and the Explosive Substances Act, 1908.

(e) In an incident on April 22, 1996, some unidentified persons belonging to TNLA, threw country made bombs at the TV Relay Station at Uluthukuppai Maileduthurai (NQH District). Posters recovered from the site hailed the liberation of Tamil Nadu.

(f) In another incident on April 22, 1996, four unidentified persons threw country-made bombs into Perani Railway Master's room (VRP District) after forcibly removing the Station Master, causing damage to railway equipments. Hand-written posters found on the station premises ex-

pressed support for Tamil Eelam and advocated separate Tamil Nadu. The posters also urged the people to boycott general elections.

Mr. Paitandy has annexed along with his affidavit various documents to substantiate the views expressed in his affidavit. All these documents have been marked as annexures 'A' to 'U-2'. It is submitted by Mr. Paitandy that on the basis of the material placed before it, Union Cabinet declared the LTTE as an unlawful association and directed the same to be banned initially for a period of two months from 14th May, 1996 to be reviewed at an appropriate stage. The matter was again placed before the Cabinet and it was decided that the words "will remain in force for a period of two months" appearing in paragraph 10 of the notification dated 14th May, 1996 be deleted and, accordingly, a notification was published in the Gazette of India, Extraordinary, dated 13th June, 1996 omitting this part of paragraph 10 of earlier notification dated 14th May, 1996. He, therefore, submits that the notification has been issued in public interest and without declaring the LTTE as an unlawful association it would be difficult to check its disruptive activities which are a direct threat to the sovereignty and integrity of India.

Mr. Paramvir Singh, Inspector-General of police, "Q" Intelligence, CID, Madras, in his affidavit has also reiterated what has been stated by Mr. Paitandy. Mr. Paramvir Singh in his affidavit, besides giving details of the incidents prior to the issue of the earlier notifications dated 14th May, 1992 and 14th May, 1994, has also given details of the important criminal cases which have been registered subsequent to the issue of the earlier notifications. It will be relevant to reproduce the gist of some of the cases which have been registered after the issue of the earlier notification dated 14th May, 1994:—

(i) Ammapet PS Cr. No. 429/94 which occurred on 24/25-5-94 and was charge-sheeted on 17-11-1994 against 18 accused under sections 120-B, 302, 307, 114 IPC, Sections 3 and 5 of Explosive Substances Act, 1908, Section 25 (1-A) Arms Act, 1959, Section 3 r/w 6 (1-A) of Indian Wireless Telegraph Act, 1933, Sections 3 (2) (1) & (ii), 3 (3), 3 (4) and 5 of TADA (P) Act, 1987. The investigation had revealed that the 18 numbers of accused had entered into a criminal conspiracy between September 1993 and June 1994 at Mudikindan, Salem, Tiruchengode, Saminaichenpatty and other places in Tamil Nadu for the purpose of procuring arms and ammunition, explosive substances, petrol and medicine from and through Tamil Nadu to be smuggled out of India through the shores of Tamil Nadu to Sri Lanka in aid of LTTE activities in Sri Lanka, and annihilate persons who intervene, intercept and prevent them in the execution of their common design and to create terror and fear in the minds of the public by exploding bridges and dams in Tamil Nadu in the event of the exten-

sion of the ban on LTTE by the Central Government. And during the said period and in pursuance of the said criminal conspiracy, on 25-5-1994 at 0030 hrs. at Ammapettai check post when the Ambassador car TMV 996 in which A.1 Rajan, A.18 Ravi and LTTE Kannan travelled, was intercepted during the execution of their common design by the Inspector of Police Dhanraj, SI Venkatesan and PC 567 Mathivanan, A.18 Ravi escaped from the clutches of police and while Kannan tried to escape, exploded a hand grenade on the police and escaped, as a result of which, the said police officers and by-passers Ilango and four others sustained injuries and the said Ilango expired at the Government Hospital later. Further, A.1 Rajan was found in possession of 2 hand grenades at the said time and place. The complicity of other accused has brought out in the charge-sheet, from whom an AK-47 rifle electric detonators, trans receiver HF handset, gelatine sticks etc. were seized. The accused LTTE Kannan @ Sakthi committed suicide on 1-9-1994 by exploding a hand grenade when cornered by the police at Vettuvankeni (vide Thorapakkam PS Cr. No. 1759/94 - para 9/page 5 of annexure 'A'). T.S. Mani @ Kulathur Mani, a frontline DK leader from salem Dist., was also arrested and charge-sheeted in Ammapet PS Cr. No. 429/94. Investigation had disclosed that T.S. Mani @ Kulathur Mani (DK) had helped Kannan @ Sakthi by buying a car and a motor cycle for his use and by arranging to procure electric detonators from Salem.

Mannargudi PS Cr. No. 924/94, which occurred on 8-8-1994 at about 1245 hrs. when a customer drew Rs. 50,000/- from the Indian Bank at Mannargudi and came out of the Bank, a person snatched the money and ran away. When he was chased by members of the public, he opened fire with a 9mm pistol injuring one Manikandan. When the accused was surrounded by the public he shot himself point blank on his temple and committed suicide. Charge sheet in the case was laid against ten persons. Investigations in the case had revealed that in between 1989 May and 1990 January, the accused A.1 to A.10 and the deceased Rajendran @ Chockalingam had assembled at the house of A.2 Nedunchezian and A.3 Gurusamy @ Veerasingham at Trichy and Thanjavur respectively and formed an unlawful association in the name and style of Tamilar Pasaria, the main object of which was to carry out armed struggle, money action and terrorism by using explosives with a view to separate Tamil Nadu from the Union of India and to render all services to LTTE, a banned organisation, and to

get its necessary service to achieve their common design. A-1 to A-10 and the deceased Rajendran who took active part in those in-camera meetings agreed to do the same by illegal means and thus conspired to commit such illegal acts with a view to separate Tamil Nadu and in pursuance of the same, each one did their best and abetted themselves to achieve the common design. In pursuance of the said conspiracy on 8-8-1994, the accused Rajendran, A.4 Elango @ Karikalan, A.5 Dayalan and A.6 Dnnison came to Mannargudi to carry out their part of the programme of "money action", and the deceased Rajendran, at about 1240 hrs. at Mannargudi in front of the Indian Bank, robbed Rs. 50,000/- from the possession of Felix Roger, and while carrying the booty, threatened the public with a pistol and opened fire to cause the death of witness Manikandan, and caused terror and committed suicide by shooting himself when surrounded by public and police.

(iii) Chintadripet PS Cr. No. 354/95 u/s 223, 224, 34, 109 IPC and 14 r/w 3 and 4 foreigners Act: Escape of 9 LTTE cadres from the Central Prison, Madras on 27-2-1995. This case was charge-sheeted against 14 accused on 28-8-1995, i.e., against 5 jail officials, 7 escapees (2 of whom were arrested) and 2 other accused who had abetted the crime by supplying cyanide capsules etc., while charge abated against two accused who had died.

(iv) Vellore North (L&O) PS Cr. No. 888/95, which occurred on 14/15-8-1995 when 43 LTTE inmates of the special Camp at Tippu Mahal, Vellore, effected their escape by digging a tunnel. After completion of investigations, the case was charge-sheeted on 13-10-1995 against 47 persons (against 2 other escapee accused, charge abated since they had consumed cyanide and died) u/s 224, 225 (B), 120 (B), 332, 212 and 109 IPC r/w 14 of the Foreigners Act, Section 4 (3) r/w 14 of the Foreigners Act, 1946. Out of the 47 accused charge-sheeted, 41 were escapees (19 of whom were arrested) and 6 others who assisted in the escape including important DK activists viz., T.S. Mani @ Kulathur Mani (A-45) and P. Rathinasamy (A046) of Erode and an important artist of DK (Ramakrishanan Group) i.e., V. Aruchamy (A-47) of Coimbatore. T.S. Mani @ Kulathur Mani (A-45) and P. Rathinasamy (A-46) were part of the conspiracy to effect the escape by digging the tunnel in the camp and they helped in passing on money and cyanide poison etc. into the camp.

(v) Thousand Lights PS Cr. No. 840/95 u/s 285, 286, 336, 427 IPC and Section 3 of Ex-

plosive substances Act, which occurred on 11-9-1995 when two countrymade bombs exploded near the gate of the compound of the office of the Sri Lankan Deputy High Commissioner at Madras. Two hand-written posters in Tamil purportedly brought out by 'Tamil Nadu Vidthalai Padai' (Tamil Nadu Liberation Army, a pro-LTTE group) observing the September 1st as 'martyrs day' paying homage to Tamil National Communist Balan, supporting "the reasonable war of LTTE", demanding the Centre to recognise Tamil Nadu a separate nation, halting the anti-LTTE activities of Indian Navy and Air Force, lifting of ban on LTTE and cessation of all relations with Sri Lankan Government etc., were found at the scene of occurrence. The case is under investigation.

Mr. Paramvir Singh has also given detail some of the recent utterances of the leaders of LTTE which can be considered to be anti-India or have anti-India implications. Some of these utterances were :—

(i) 12-8-95: The 'Voice of Tigers' (the rebel Radio controlled by LTTE) is also reported to have announced that this is the time when the Sri Lankan Government and "Indian Intelligence Agencies" would carry out an "Intelligence War" in the rebel controlled North. Calling upon the Tamil people to be on the alert against such designs, the rebel radio said they should immediately pass on the information to the LTTE. The 'Voice of Tigers' said alertness and secrecy were the only ways to guard against the "Intelligence War".

(ii) 11-9-95 : Sri Lankan Police have uncovered a plot by Tamil Tiger separatists to assassinate Indian Prime Minister P.V. Narsimha Rao, Police today. A rebel suspect being interrogated by Police for allegedly planning to kill President Chandrika Kumaratunga disclosed the plot to kill Mr. Rao, said Mr. H. M. G. B. Kotakadeniya, Deputy Inspector General of Police. One Tamil rebel already had been sent to New Delhi, to collect information on Mr. Rao's movements, the rebel suspect Sinnarasu Murundan (correct name should be Sinnadurai Mukundan), told his interrogators, said Mr. Kotakadeniya. The Indian Embassy in Colombo said it had not been informed by the Sri Lankan Government about the threat to Mr. Rao's life. "We will be passing on the information to the Indian High Commission in Colombo, and the Indian Police will be brought in to investigate the threat," Mr. Kotakadeniya told the Associated Press. It was not immediately clear why Mr. Rao was being targeted. But earlier this year the Indian Government requested the extradition of Tamil guerrilla leader Velupillai Prabhakaran for his alleged involvement in the assassination of former Indian Prime Minister Rajiv Gandhi. Gandhi was killed by a suicide bomber at a public meeting in 1991 in an attack that reportedly bore the trademarks of the Tamil rebels. Murundan was arrested near Mrs. Kumaratunga's arrested eight more rebel suspects in connection with the plot to kill her, said Mr. Kotakadeniya. Murundan told police that Prabhakaran, who

directs the guerrilla force from a secret base in the rebel-held north, had ordered him to kill Mrs. Kumaratunga before the end of the year. Alternative plans to kill her had been sent to senior guerrilla commanders for approval, he said. Mrs. Kumaratunga has ruled out negotiations with the rebels until they laid down their arms. The guerrillas ended a truce and broke off peace talks on April 19. Since then, more than 2,200 people have been killed in the fighting. Police were hunting for a Tamil woman named Ranjini, who was to carry out a suicide attack on Mrs. Kumaratunga by throwing herself on the President's car, Mr. Kotakadeniya said. The suicide bomber had been trained by the rebels' Women's Wing leader, Akila, one of three rebels whose extradition has been requested by India in connection with the Gandhi murder.

(iii) 11-9-95 : The LTTE had despatched at least one agent to Madras to create "problems" for the Indian Government", a senior police officer said this evening. Mr. H.M.G.B. Kotakadeniya, DIG, Colombo, told the correspondent Amit Baruah that the Tiger Chief, Velupillai Prabhakaran, had asked his men to take up residence in Madras and await instructions from Jaffna. The information was obtained following the interrogation of Sinnadurai Mukundan, an LTTE suspect picked up for alleged involvement in a plot to assassinate the Sri Lankan President Mrs. Chandrika Kumaratunga. According to Mr. Kotakadeniya, Mukundan told the police that Prabhakaran was disturb by the cordial relations between India and Sri Lanka and, hence, had sent an agent. When asked about agency reports that Mukundan had revealed an LTTE plot to target the Prime Minister Mr. P.V. Narsimha Rao, the DIG denied that the suspect had gone so. "There was no reference to the Indian Prime Minister," Mr. Kotakadeniya maintained. Though the DIG and the Indian High Commission here would be apprised of the LTTE plan it had not been done till late this evening. A mass circulation Sinhala daily, Lankadeepa, reported today that Mukundan alias Nesan alias Rasan had been sent to obtain details about the movements of the Sri Lankan President. Mukundan apparently was to get in touch with Ranjini, who was to act as the woman suicide bomber. Ranjini is believed to have been trained by Akhila, head of the LTTE Women's Wing, who is wanted in the assassination of Rajiv Gandhi.

(iv) 26-11-95: LTTE leader V. Prabhakaran on 27-11-95 rejected the offer of peace talks by the Sri Lankan Government so long as troops occupied Jaffna town. "As long as Sri Lankan armed forces remain in Jaffna, the door for peace talks will remain shut tight," he said, in a pre-recorded speech over the LTTE's clandestine voice of Tigers radio. The message was broadcast to mark the rebel supremo's 41st birthday and the end of the observation of a Heroes' week by the rebel Group." The Sri Lankan Government may hoist its flag in Jaffna after reducing it to ashes and claim the capture and then release signal for talks "Mr. Prabhakaran said He described the imminent fall of the rebel bastion of Jaffna town as a

"temporary set back." "We have endured worse setbacks during the IPKF (Indian Peace Keeping Force), but eventually it was the IPKF which lost. These setbacks will be turned into successes in the future," he said. Mr. Prabhakaran charged that the ongoing war was not against the LTTE, but against the Tamil people, their race and culture. He claimed that the exodus of the Tamils from Jaffna in the wake of military offensive showed that they rejected a military solution and that the people and LTTE could not be separated. "This migration shows they are prepared for any sacrifice". He also played down the losses suffered by the LTTE in the offensive and claimed that the army had lost more. The only way out was to carry on the LTTE's struggle and to increase their strength, he said and appealed to the 'Tamil Eelam People' abroad for help and support.

(v) 30-11-95: A top LTTE leader has alleged that the Indian Government is "covertly" supporting the Sri Lankan Army in its Current military offensive in Jaffna. Mr. Lawrence Thilakar, a Member of the LTTE's Central Committee, said the Sri Lankan Army is being helped by covert support from the India Government. "Because of India's influence, outside countries are silent on this issue," he said in a telephone interview from Paris. The Indian Government is involved using in this as a proxy war, Mr. Thilakar said. Asked what the LTTE wants from India, Mr. Thilakar said "The Government of India must ask Sri Lanka to stop attacking the civilian population, the Indian Government must take account of the attacks on the civilian Tamil population" he said. The attacks on the civilian population meant that people are getting "more and more alienated from the Sri Lankan Government" and the environment for the troops in getting "more and more hostile," he said. For the Sri Lankans, "Jaffna is a trap and they are going to lose this war."

(vi) 1-1-96 : The LTTE Chief Venupilla Prabhakaran has called for "support" from the people of Tamil Nadu for the Tiger "Liberation Struggle." Prabhakaran's appeal, in the form of an "open letter" to politicians of Tamil Nadu, was broadcast over the rebel "VOICE OF TIGERS" radio and also published in LTTE-controlled newspapers in the North. The LTTE chief also thanked the politicians for highlighting the plight of the people displaced during the course of the 50-day-long Sri Lankan military operation, condemned "Riviresa" (Sunshine). The rebel radio and newspaper had given extensive publicity to the November 30th bandh organised by political parties in Tamil Nadu. At a time when the Tigers are facing extreme international isolation, any expression of support from any quarter is welcome to the LTTE.

(vii) 2-1-96: The LTTE CHIEF Velupillai Prabhakaran has said that the people of "Tamil Eelam" fervently expected support from the people of Tamil Nadu. "The Sinhala racist State is firmly determined to continue to carry out the genocidal war in Tamil Eelam. In the circumstances, Tamil Nadu should continue to express support to our legitimate cause," he said in an open letter to politicians in Tamil

Nadu. According to the letter, the "waves of the sympathy" that swept across Tamil Nadu whenever "Eelam Tamils" face repression have "always been a deterrent to our ruthless enemy and a great source of hope and relief to our aggrieved people." It also impression upon the world that Eelam Tamils are not alone without support. Even though several forces have been making deliberate efforts to pollute the minds of the Tamils of Tamil Nadu will ill-conceived notions about our national struggle and about the Liberation Tigers who lead the struggle we are encouraged and emboldened to note that there is growing upsurge in Tamil Nadu demanding justice for our people on the basis of ethnic affinity and humanism, "Mr. Prabhakaran claimed. Referring to the ill-conceived notions that were being propagated by the "Sinhala State" among the Indian people and the international community, he said. "We are neither terrorists nor separatists, or propagators of armed culture. We are fighting for a noble cause. We are fighting to protect our people from racial annihilation." Though our enemy has been adopting devices method to alienate us from the outside world, from the world community and from Tamil Nadu where our deep roots are embedded, the support and sympathy generated from Tamil Nadu has given us moral inspiration and determination," the letter said. "We are deeply saddened to note a recent incident in Tiruchi where a youth has taken his life by self-immolation as an extreme form of expression of solidarity. While we pay our respects to his passion for freedom and his sentiments of ethnic love we feel that such acts of self-sacrifice are unnecessary and therefore, have to be avoided," Mr. Prabhakaran's letter said.

There are certain other incidents which have been mentioned by Inspector General of Police, 'Q' Intelligence, CID, Madras, which indicate that the LTTE supporters in Tamil Nadu are engaged in subversive activities.

I have gone through the evidence, affidavits as well as each of the documents which have been placed on record and have considered the submissions made by the counsel appearing for the Central Government as well as the State of Tamil Nadu.

Under Section 2 (g) of the Act unlawful association has been defined "to mean any association (i) which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity; or (ii) which has for its object any activity which is punishable under Section 153-A or Section 153-B of the Indian Penal Code, 1860 (45 of 1860), or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity.

According to Section 2(f), unlawful activities in relation to an individual or association means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),—(i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the

secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession; (ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India.

To declare an association, therefore, to be unlawful, such association must be indulging in activities which are unlawful activities within the meaning of the Act and which has for its object any unlawful activity or which encourages or aids persons to undertake any unlawful activity or of which the members undertake such activity or which has for its objects any activity which is punishable under Section 153 A or Section 153 B of Indian Penal Code.

The evidence on record clearly shows that the LTTE is challenging the territorial integrity of India. Though the immediate struggle of the LTTE is against the Government of Sri Lanka for the establishment of a Tamil Eelam in the North-East Provinces of Sri Lanka, its larger and ultimate objective is to form a larger Tamil country including areas of India where the Tamils live and, thus, pose a threat to sovereignty and territorial integrity of India. The LTTE Chief, V. Prabhakaran had not only rejected the offer of peace talks by the Sri Lankan Government but he has also called for support from the people of Tamil Nadu for its struggle against the Sri Lankan Government. The Prabhakaran's appeal was broadcast over the "Voice of Tigers" radio and also published in the LTTE's controlled newspapers. Mr. Prabhakaran has also said that the people of Tamil Eelam had accepted support from the people of Tamil Nadu. He has also spoken of LTTE's deep roots in Tamil Nadu and the support and sympathy allegedly generated from Tamil Nadu giving the LTTE moral inspiration and determination. On 11th September, 1995, a plot was uncovered by the Sri Lankan police where the Tamil Tigers protesters had planned to assassinate the then Prime Minister, Shri P. V. Narasimha Rao. The facts placed on record by the State of Tamil Nadu as well as by the Central Government clearly demonstrate that they are providing moral and material support to secessionist organisations operating in Tamil Nadu. The disruptive activities are being carried out to malign the Government of India with the sole object of arousing separatists Tamil sentiments.

The LTTE in Tamil Nadu has persisted with its violent and disruptive activities prejudicial to the integrity and sovereignty of India. The presence of LTTE in India helped escape of 43 cadres from the Special Camp at Vellore on 14/15-8-1995. On April 16, 1996, one Muthukumar belong to TNRT was arrested by State police from a coastal village Menamalkudi (Pudukottai District). He has revealed that he was responsible for arranging sailing for the LTTE escapees of Vellore Camp on 14/15-8-1995. His arrest confirms the presence of LTTE supporters in Tamil Nadu who are engaged in subversive activities. There was also bomb attack on the office of the Sri Lankan Deputy High Commissioner at Madras on 11-9-1995 by Tamil Nadu Liberation Army (TNLA), a pro-LTTE extremist group. Arms and ammunitions con-

tinue to be seized from LTTE and pro-LTTE groups, last such incident took place on 17-4-1996. Cases have been registered under the Arms Act, 1959 and the Explosive Substances Act, 1908. The facts brought out by the Central Government and the State of Tamil Nadu duly corroborated and supported by the evidence of Mr. A. K. Paitandy and Mr. Paramvir Singh as also by the documents placed on record do not leave any manner of doubt that the LTTE is continuing to adopt a strong anti-India posture and pose a great threat to the security of India as well as Indian VVIPs, including the Prime Minister of India, and its utterances have an inciting influence over the secessionist forces in Tamil Nadu. Moreover most of the criminal cases involving LTTE and pro-LTTE groups, including such important cases as the Rajiv Gandhi assassination case and Padmanabha murder case are still under trial, thus keeping the issues quite alive, and hence continues to be a strong ground for continuing to declare the LTTE as an unlawful association.

The Tribunal has, therefore, reasons to believe that despite Declarations dated 14th May, 1992 and 14th May, 1994, declaring the LTTE to be an unlawful association, it is continuing to indulge in unlawful activities. Though the activities of LTTE have been drastically curtailed and controlled in view of the stern measures taken by the Government including its declaration as an unlawful organisation, sympathy for Tamil Eelam concept still remains and the material which had been placed before Justice P. N. Mag Tribunal and Justice Devender Gupta Tribunal continues to have a strong bearing and relevance to the present situation in the State of Tamil Nadu, LTTE is continuing to remain a strong terrorist movement and so long as Sri Lanka continues to remain in a state of ethnic strife, torn by the demand of Tamil Eelam, which finds a strong echo in Tamil Nadu due to the linguistic, cultural, ethnic and historical affinity between the Sri Lankan Tamils and the Indian Tamils in Sri Lanka, material found by Justice Mag and Justice Devender Gupta Tribunals to be valid grounds for declaring LTTE as an unlawful association earlier, will continue to remain a strong underlying basis for continuing the ban of the LTTE in India. Series of cases registered against pro-LTTE elements in 1994 and 1995 reflect the remnants of LTTE activities and pro-LTTE groups which still continue to pose danger to the State. This Tribunal is, therefore, of the firm opinion that there was sufficient material before the Central Government to justify the forming of an opinion that LTTE is an unlawful association and has been rightly declared to be so. The Declaration made by the Central Government vide notification dated 14th May, 1996 as amended by notifications dated 13th June, 1996 and 27th June, 1996 is, therefore, confirmed.

Sd/-

S. K. MAHAJAN, Tribunal

November 13, 1996